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9  
10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 VERNON UNSWORTH,

13  
14 Plaintiff,

15 vs.

16 ELON MUSK,

17 Defendant.

Case No. 2:18-cv-08048

Judge: Hon. Stephen V. Wilson

**DECLARATION OF MOEZ M.  
KABA IN SUPPORT OF  
DEFENDANT ELON MUSK'S  
MOTION TO DISMISS PLAINTIFF  
VERNON UNSWORTH'S  
COMPLAINT**

Hearing Date: April 1, 2019

Time: 1:30 p.m.

Place: Courtroom 10A

Complaint Filed: Sept. 17, 2018

Trial Date: None set

**DECLARATION OF MOEZ M. KABA**

I, Moez M. Kaba, declare as follows:

1. I am an attorney at the law firm of Hueston Hennigan LLP, counsel of record in this action for Defendant Elon Musk. I am a member in good standing of the Bar of the State of California and admitted to practice before this Court. I have personal knowledge of the facts set forth in this declaration and, if called to testify, I could and would testify competently thereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of an e-mail exchange between Richard Stanton, a British diver who assisted in the cave rescue, and Elon Musk, retrieved on December 26, 2018 from the following link: <https://twitter.com/elonmusk/status/1016684366083190785?lang=en>

3. Attached hereto as Exhibit 2 is a true and correct copy of a letter from the Prime Minister of the Kingdom of Thailand to Elon Musk, dated July 26, 2018.

4. Attached hereto as Exhibit 3 is a true and correct copy of a letter from Sunai Praphuchanay, Lieutenant General in the Royal Thai Army, to Elon Musk, dated July 20, 2018.

5. Attached hereto as Exhibit 4 is a true and correct copy of a "Royal Thai Army Special Warfare Command Certificate" awarded by the Royal Thai Army, to Elon Musk.


Dated: December 26, 2018

HUESTON HENNIGAN LLP

By:       /s/ Moez M. Kaba      

Moez M. Kaba  
Attorney for Defendant Elon Musk

# **EXHIBIT 1 TO KABA DECLARATION**



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**Elon Musk**   
@elonmusk

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The former Thai provincial governor (described inaccurately as “rescue chief”) is not the subject matter expert. That would be Dick Stanton, who co-led the dive rescue team. This is our direct correspondence:

**From:** Richard Stanton

**Date:** July 8, 2018 at 10:13:12 AM PDT

**To:** Elon Musk

**Subject:** Re: [REDACTED]

We're worried about the smallest lad please keep working on the capsule details

Sent from my iPhone

On 8 Jul 2018, at 08:48, Elon Musk <[REDACTED]> wrote:

Sounds good, will continue.

Parts are being assembled and will undergo testing in water in a few hours. Will send pics and video. However, don't want to put it on a plane if you think there are important changes needed. Operating principle is same as spacecraft design — no loss of life even with two failures.

On Jul 7, 2018, at 6:30 PM, Richard Stanton <[REDACTED]> wrote:

It is absolutely worth continuing with the development of this system in as timely a manner as feasible. If the rain holds out it may well be used.

Sent from my iPhone

On 8 Jul 2018, at 08:20, Elon Musk <[REDACTED]> wrote:

Understandable.

Right now, I have one the world's best engineering teams who normally design spaceships and spacesuits working on this thing 24 hours a day. We are trying to get it right in a very short period of time.

If it isn't needed or won't help, that would be great to know. Otherwise, it would be very helpful to have as much design direction as possible.

7:03 AM - 10 Jul 2018

4,560 Retweets 32,264 Likes



# **EXHIBIT 2 TO KABA DECLARATION**

Office of the Prime Minister,  
Government House,  
**BANGKOK.**

26 July B.E. 2561 (2018)

Dear Mr. Musk,

I wish to convey my deep appreciation to you and your engineering team for your expeditious and extraordinary efforts in constructing the Space-X mini-submarine "Wild Boar" to assist the rescue operation of the Moo Pa Academy Football team trapped in Tham Luang Cave, Chiang Rai Province.

I am particularly touched that you personally travelled to Thailand to deliver the "Wild Boar" Space-X mini-sub, which was made possible through your expertise and the cooperation with various experts involved with this highly complicated and urgent rescue operation. Your initiative and involvement indeed exemplifies the significance of compassion and ingenuity in responding to extremely complex and life-threatening situations. Furthermore, the endeavour of courage and determination by all who took part in this perilous operation, both Thai and foreign, is testament to what can be achieved in the face of seemingly unsurmountable odds. The rescue has inspired people around the world and reaffirmed our faith in the power of solidarity and cooperation in times of crises. Indeed, this historic episode of immediate assistance and resolve demonstrates humanity at its best.

Looking ahead, I hope that you will have a chance to visit Thailand again soon. I believe that there are many opportunities for us to cooperate on, especially on how to harness technology and innovation for the benefit of sustainable development and towards enhancing the well-being of all global citizens.

I would like to extend to you my best wishes for your good health and success.

Yours sincerely,

General  (Ret.)  
(Prayut Chan-o-cha)

Prime Minister of the Kingdom of Thailand

Mr. Elon Musk,  
Chief Executive Officer,  
Space Exploration Technologies Corporation,  
**CALIFORNIA.**

# **EXHIBIT 3 TO KABA DECLARATION**



No. MOD 0485/ 1696



20<sup>th</sup> July 2018

Dear Elon Musk,

I would like to express to you and all the SpaceX members my sincerest appreciation and gratitude for your support during the "Operation Wild Boars". You will be in our memory and our hearts that once you are one who made the impossible mission possible. From what you did really give us hope and made us believe in humanity. We will be very pleased to welcome you as our guest when you come to visit Thailand again. Thank you so much from our hearts.

With utmost gratitude from the Royal Thai Army Special Forces and Thais.

Yours sincerely,

Lieutenant General

*Sunai Praphuchanay*

( Sunai Praphuchanay )

Commanding General,  
RTA, Special Warfare Command

Elon Musk  
CEO of SpaceX  
United States of America



# **EXHIBIT 4 TO KABA DECLARATION**

